

REMARKS

Applicants have carefully reviewed the contents of the Office Action mailed January 26, 2004. Reconsideration is respectfully requested in view of the foregoing amendments and the comments set forth below.

By this Amendment, the specification is revised to describe the series of packs illustrated in Fig. 1 (Replacement Sheet) and to refer to the packs by reference number 41; claims 1, 11, 13 and 21 are amended; new claims 22-25 are added; and Replacement Sheets showing Fig. 1 and Fig. 6 are submitted. Accordingly, claims 1-25 are pending in the present application.

The drawings were objected to under 37 C.F.R. 1.83(a) for the reasons set forth in paragraph 4 of the Action. Fig. 1 has been revised to schematically illustrate a series of packs and their introduction to a pocket 18. In addition, Fig. 6 has been revised to show a blank 11 between a path 41 and a collar 19 as described on pages 19-24 of the originally filed application. Accordingly, it is believed that the claimed subject matter set forth in claim 3, lines 1-4 and claim 7, lines 1-3 is illustrated by the drawings and withdrawal of this objection is requested.

Claims 1, 3-17, 20 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,741,145 to Bright, et al (hereinafter referred to as "Bright") as described in paragraph 6 spanning pages 3 and 4 of the Action. Bright is directed to a packing machine for inserting coupons in hinge lid packets of cigarettes. In particular, Bright teaches a guide rail (14) parallel to a packing conveyor (2) that may be slightly tapered so as to increase the spacing of gap from the bundle (6) as it is moved by the conveyor (2). According to Bright, as the coupon passes around the lower pulley (26)

the timing of the packing conveyor (2) is arranged such that at the moment a pocket (4) is at the correct position to receive the coupon, the lower portion (11) of the inner frame (10) is raised by the guide (14) thus establishing a gap with the bundle (6). As a result, the coupon can therefore be slid edgewise into the gap under the inner frame (10). That is, the coupon is pushed into the gap formed between the inner frame (10) and a cigarette bundle (6) as a result of the movement of guide rail (14). The coupon is not positioned securely in the gap and consequently, a displacement of the coupon in the gap cannot be ruled out.

Applicants' invention is directed to a method and apparatus for assembling, delivering and properly positioning blanks of paper or the like in packing machines for smokers' products. As described in the Background of the Invention of the present application, a drawback of the prior art is that the blanks can only be delivered onto cigarette packs rather than to proper positions relative to the collars or outer wrappings of cigarette packs. The proper or secured positions relative to the collars is achieved by feeding each blank (11) into a stationary guide (21) of the assembly station (AS) (see claims 1, 11 and 21). The claimed apparatus includes means for temporarily maintaining each collar at the assembly station in a predetermined position where the means for temporarily maintaining include a device having at least one pocket and guide means for positively guiding each blank at least along a portion of a predetermined path that includes the stationary guide that guides each blank to the at least one pocket. As recited in claim 13, the at least one pocket is located beneath the blanks at the assembly station and the guide means are arranged to releasably hold a blank at the station against unintentional entry into said pocket. As a result of the claimed invention, an apparatus

for manipulating blanks in a machine is advantageous in that the blank is not just inserted into a gap between the collar and the cigarette block or bundle, but into a stationary guide at the pocket so that the blank is always secured against any displacement. As a result of the blank being secured between the collar and the cigarette block or pack, displacement of the blank is ruled out and the blank may be removed from the stationary guide by a movement traverse to its plane without the disadvantages associated with the prior art.

Bright teaches that guide 14 is raised to establish a gap with the bundle 6 and thus guide 14 is not stationary. That is, the coupon taught by Bright is not fed into a stationary guide of an assembly station as recited in independent claims 1, 11 and 21. In addition, guide 14 does not include a stationary guide that guides each blank to the at least one pocket as recited in apparatus claim 11. Since Bright fails to disclose each and every element of the claim as argued above, Bright cannot anticipate claims 1, 3-17, 20 and 21 and withdrawal of that rejection is requested.

In view of the above, it is respectfully submitted that independent claims 1, 11 and 21 and their depending claims 2-10, 12-20 and 22-25 are patentable over the art of record. Reconsideration and allowance of the present application is respectfully requested.

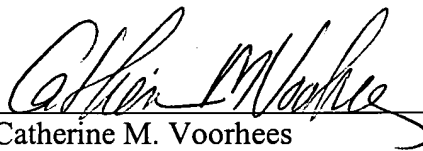
A request for the necessary extension in the period for filing this response, as well as a check in payment of the applicable extension fee are attached. Should no remittance be attached, or should any greater or lesser fee be required, please charge or credit our Account No. 22-0261 and advise us accordingly.

This Amendment adds four dependent claims for a total of 24 claims. The official fee has been paid for 21 claims. Accordingly, the Commissioner of Patents is authorized to charge Deposit Account 22-0261 the official fee of \$54.00 for the three additional claims and to charge any additional fees required in connection with this Amendment and advise us accordingly.

If the Examiner believes that a conference would help to advance the prosecution of the present application, he is requested to telephone the undersigned at the number below.

Respectfully submitted,

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